

MINUTES

FINANCE / PARKS & RECREATION / PUBLIC WORKS PROGRAMS COMMITTEE

October 12, 2011

A meeting of the Finance / Parks & Recreation / Public Works Programs Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Tim Bynum, Chair, at the Council Chamber, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, October 12, 2011, at 4:16 p.m., after which the following members answered the call of the roll:

Honorable KipuKai Kuali'i
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Tim Bynum
Honorable Dickie Chang, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

Minutes of the September 28, 2011 Finance / Parks & Recreation / Public Works Programs Committee.

Upon motion duly made by Councilmember Rapozo, seconded by Councilmember Nakamura, and unanimously carried, the Minutes of the September 28, 2011 Finance / Parks & Recreation / Public Works Programs Committee was approved.

The Committee proceeded on its agenda items as follows, and as shown in the following Committee Reports, which are incorporated herein by reference:

CR-FPP 2011-10: on Bill No. 2412 A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE 20, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO UNLAWFUL CONSUMPTION, POSSESSION OR CONTROL OF INTOXICATING LIQUOR WITHIN PARKING LOTS AND GROUNDS ADJACENT TO THE HISTORIC COUNTY BUILDING, COUNTY ANNEX AND LĪHU'E CIVIC CENTER
[Approved as Amended.]

CR-FPP 2011-11: on Bill No. 2413 A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE 21, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO URINATING OR DEFECATING IN PUBLIC AREAS ADJACENT TO THE HISTORIC

COUNTY BUILDING, COUNTY ANNEX
AND LIHU'E CIVIC CENTER
[Approved.]

The Committee proceeded on its next agenda item as follows:

FPP 2011-07 Communication (9/30/2011) from Committee Chair Bynum, requesting the presence of Larry Dill, County Engineer, to provide: (1) An update on the County's FY 2011-2012 CIP projects; (2) Discuss the effectiveness of the Project Initiation Document (PID's) system; and (3) Provide an overview of how CIP projects are currently being "tracked and managed."
[This item was deferred.]

Mr. Bynum: This item is a result of ongoing discussion with the Administration about the important issue of our CIP projects and how effective we are at getting them out on the street and operational and serving their purposes. This is a discussion that really began several years ago in 2009. The Committee had a presentation from the Administration with a spreadsheet outlining the various CIP projects, who was in charge, what was the current status, how long had the funding been there, and what was the projected completion date. We've been in that dialog as well and the Administration has been preparing an update to that with the items that are here, and also contrasting that with the projections that were made in 2009. I met with the Administration on Friday last week. They had a draft of that document. I asked them to add some additional information and I also asked and I believe that's a standard we're trying to develop as a Council, that when we have written documents coming to us for our consideration and especially if they're extensive and complicated, that we receive them in advance. So what I'm going to ask of the Committee today, at your discretion, is that we take public testimony and that the Administration has agreed to provide us those written documents 2 weeks from today. But we defer this item until, a month from today or two meetings so we have that time to address all of those issues. There are 126 CIP projects. The intention of this item is not to go into depth on each of those items but to look at a more open broad range about how our CIP project is going, how it's being tracked and managed, and kind of what is our track record. I'm also sending questions to Finance of the balance sheet, how much money is in CIP waiting to be spent, how much have we added year-to-year, and how has our record been about spending those down. So when the item comes back, if there are questions that could be answered in a couple of sentences about specific projects, I think that would be okay. But if we're going to go into depth, I'm more than willing on behalf of any Councilmember to put a specific project on the agenda for a more in depth discussion. Is that acceptable to the Committee Members? I would like us to establish that precedent that I want to credit Councilmember Nakamura with really speaking to that several times this year because it has been

our practice to come here to talk and have lengthy discussion and get presented multiple page documents right as we open the agenda item. I think we all will do better and be more credible if we have that information in advance and are able to digest it. So having said all of that I do want to take public testimony and if the public testimony is about specific projects I want to hear that, but we may want to limit our going too far into specifics. Having said all of that I'd like to suspend the rules and anyone in the audience would like to comment on any of the CIPs?

There being no objections, the rules were suspended.

DOROTHEA HAYASHI, Hanapēpē Resident: On the Hanapēpē Bridge Project, the 1911 Restoration Project, I'm here about the funding that's in that budget. The reason I'm here today, and I'm the only one left because everyone had other things that they had to attend to, but this is very important to us at which time because, I don't know how to begin. Within three years we've had three different engineers on our project, and it seems that every time we get a different engineer we're getting all confused. What we would like to ask is that at this time, because we're finding out also about the Kapaia Bridge that there could be an exemption from the ADA portion of our bridge, we would like to ask that we look into that. We asked about it but we were always told that – no, no way, you have to do ADA. But apparently somebody missed somewhere and we didn't do research, we just accepted whatever was being told to us. I guess we were very naïve in that sense and we should have maybe looked into it the way the Kapaia people did. So we're asking at this time if we could, we want to have the project done however we would like to look into this ADA exemption.

Whenever we run into the locals and we talk about the bridge, the first thing is that when I kind of mention that this is what the County had proposed but we never really saw a plan or whatever. But we said - this is what they're proposing, but the number one factor is that everyone is saying that the safety of the people who are going to walk on that area because prior it was elevated and now what the Administration is proposing, or the Engineering Department is proposing is that they walk on the street together with the traffic.

This bridge as you know was built in 1911 so it's not very wide, but we're afraid of, one person said: Fatality. He said – you know if you think about we getting older and we're walking and the wind that "whooshes," we may be pushed down. Also, because I don't know how often, but they do close the other State Highway and they use our bridge as a detour. Now we have these huge trucks that go through, we have the busses that go through, and can you imagine people walking together with these huge vehicles? These are the two factors that were brought up to us that's of great concern to us, so we would like to see our bridge not repaired, but restored.

I'm sorry, we're jealous because you've had all this walking path thing going with this millions of dollars going here, at our side, can we do a little exchange? Have some of the walking path idea come to our bridge? We said - you know we're not asking for the world, we just want this bridge restored so it's safe and it still can be used by the locals. Like we say, if the locals use it, the tourist will also use it. So can we also consider it in that terms? It will become a win-win, I'm sorry Mr. Bynum but we talked about the win-win thing. At that time that's all we thought we could get. Now we're finding out through the Kapaia experience that there may be more venues for us to explore so I don't know what you could do to help us, but we're here to ask your help about the funding too. We don't want the bridge repaired, we want it restored. We found out it's two different words, I mean there's so much in this world that has changed that we didn't realize that by these two words it makes a big difference.

Mr. Bynum: Thank you for your testimony and..

Ms. Hayashi: I'm sorry?

Mr. Bynum: Thank you for your testimony, were you finished?

Ms. Hayashi: Yes I am, I don't know what else to say. I know the ladies wanted to say more. I think that's the "gist" of it at this time.

Mr. Bynum: Well I appreciate your testimony and I would like to meet with you and follow up, not right now I'm on Council Floor but...

Ms. Hayashi: I almost forgot, tomorrow we are meeting, this our first meeting with our, I mean not our first this is maybe our third meeting with our third engineer and already they're asking for the month's funds to do the repairs when we haven't even seen the plans. We've been asking them to please show us what you have so I'm just going to inform you that tomorrow we are meeting and the ladies are waiting to hear tomorrow what happened here. If you could make a comment I guess. Would you be able to tell me what you would be able to do at this time so that, what are the possibilities for you folks to kind of hold the money until we can forward?

Mr. Bynum: Personally I couldn't tell you that right now but I can tell you that I want to follow up on the things that you said here today, and I intend to. I'm sorry, Councilmember Rapozo.

Mr. Rapozo: You said you had three engineers, does that mean you had three different proposals? Was there a time where the bridge was going to be restored and it's not going to be restored now? Is that what I heard?

Ms. Hayashi: Well that's the thing see, we had three engineers. The first engineer, can I mention names?

Mr. Rapozo: Yes, yes.

Ms. Hayashi: We had Joe Blevins, then we had oh what was his name now? Help me Mr. Dill.

Mr. Chang: Was it Donald Fujimoto?

Ms. Hayashi: No no.

Mr. Chang: Ed Renaud?

Ms. Hayashi: Yes Ed Renaud, and now we have Mr. Tabata. But when we had Joe it was like, we could really have anything that we wanted. Then all of a sudden it was ADA, everything was ADA so it was getting really confusing when we got a new engineer every time come in. And though we tried to push the fact that we wanted it restored, but they kept saying – no, it's impossible because of the ADA.

Mr. Rapozo: Well I know the public hearing for the money bill is coming up next week I believe. I guess it's next week right? Next week, so that's just the Public Hearing and it'll end up going to the Committee. So we'll follow up and I guess I'm interested to find out what the meeting is tomorrow and when the money bill gets to the Committee, I would encourage you folks to come. If you want to come at the, actually next week would be better because the Public Hearing is set for 1:30 p.m. so you won't have to wait all day.

Ms. Hayashi: Okay.

Mr. Rapozo: You know at 1:30 p.m. the Public Hearing starts so at least if you wanted to testify. The one thing that I do want to check on is whether or not that bridge is on the Historical Registry because if it is, then obviously they do qualify for some exemptions with the ADA. I'm not sure if it is or not.

Ms. Hayashi: Well we are on the Historic Inventory. So all these words, it's very confusing for us.

Mr. Rapozo: For us too.

Ms. Hayashi: We thought it was...

Mr. Rapozo: For us too, but we'll definitely get those answers before it gets to the Committee. So you'll definitely be part of that discussion, and at the end of the day it's up to this Council whether or not we say yes or no to the money.

Ms. Hayashi: Okay.

Mr. Rapozo: And if in fact this Council feels that it should be restored - so be it. If this Council feels it should be repaired - so be it. It's going to be this body's decision whether or not it gets restored or repaired. Thank you for coming and thank you for waiting because that was a long day today. You are tenacious.

Ms. Hayashi: Yes, I'm very tenacious, that's why I told the ladies - I'll stay because I wanted at least the Committee to understand where we're coming from.

Mr. Bynum: Other questions? Council Chair.

Chair Furfaro: Yes, as a non-committee member. I also want to say thank you very much for being here and participating but I'm going to say a few things out loud so that Larry Dill, the County Engineer can clearly hear what I'm hearing. There is a concern on your group's part about being able to participate in the restoration design.

Ms. Hayashi: On the design yes.

Chair Furfaro: Okay, you want to participate and I'm going to send a request over if the staff can, to Mr. Dill from me and ask him if he can't ask, I believe Mr. Tabata that is assigned to this project, if he can't make an extra effort to meet with your group to hear your feedback, your concern on the differences between the restoration versus a repair. And then clearly have an understanding of what ADA compliance is trying to ask of us. I believe you folks are looking for an opportunity to have a separate sole access on one side of the bridge for the purpose of evening walking, other multimodal transportation, something similar to what they did at Wailua where they have an attachment to the bridge, as a separate pedestrian way?

Ms. Hayashi: At this time we have it elevated and that's what we would like to see repaired, or not repaired, see restored. That's the only safety factor this time, I mean to protect the pedestrians. The other thing is that we do have the State bridge which is already in ADA compliance and it's not very far from our little bridge.

Chair Furfaro: Right.

Ms. Hayashi: So we just wanted that consideration too.

Chair Furfaro: Well I will send a communication over to Mr. Dill, he's hearing it now with those three requests to, whether we have the Public Hearing or not next week. Obviously if he can make a special effort to meet with your Hanapēpē group, that would be my request anyway.

Ms. Hayashi: Thank you.

Chair Furfaro: Thank you Mr. Bynum.

Mr. Bynum: Any other questions?

Mr. Kualī'i: It's not really a question, I just wanted to say thank you and if you could thank the others that had to leave and let them know next week it's 1:30 p.m. so for sure for them to come at 1:30 p.m.

Ms. Hayashi: And bring their jackets. Is that it? Thank you.

Mr. Rapozo: Thank you.

Mr. Bynum: Anyone else in the audience would like to comment on (inaudible).

There being no objections, the meeting was called back to order, and proceeded as follows:

Upon motion duly made by Councilmember Rapozo, seconded by Councilmember Nakamura, and unanimously carried, communication FPP 2011-07 was deferred to November 9, 2011.

Bill No. 2408 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A,
KAUAI COUNTY CODE 1987, RELATING TO HOME
EXEMPTIONS
[This item was deferred.]

Mr. Bynum: I appreciate the Committee deferring this in my absence, this is a bill that I introduced to the Council and I want to say that I've been in pretty intense discussions with the Administration about the tax bills that are coming and also bills related to home owner exemptions for people who live and work on Kaua'i. On one end I'm prepared to do a presentation, but I really would

like to continue to dialog with the Administration to understand their position and one of the key elements is, 4 months ago it became clear to have this bill properly aligned, required an assessment of the tax data. I haven't been able to access that data in a way that allows that assessment to occur as of yet. So I'd like to ask for a deferral pending an assessment of that data, kind of open ended, but it is an important bill and I'll definitely be coming back. Any discussion among Council? I'd entertain a motion to defer pending an assessment.

Upon motion duly made by Councilmember Nakamura, seconded by Councilmember Rapozo, and unanimously carried, Bill No. 2408 was deferred pending an assessment of tax exemption data.

There being no further business, the meeting adjourned at 5:16 p.m.

Respectfully submitted,



Ihilani C.J. Laureta
Secretary

APPROVED at the Committee Meeting held on November 23, 2011:



TIM BYNUM
CHAIR, FINANCE / PARKS & RECREATION / PUBLIC WORKS
PROGRAMS COMMITTEE